

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

BRANDON JENNINGS,

Petitioner,

v.

CIVIL ACTION NO. 2:20-cv-00780

P. ADAMS, *USP-Hazelton*,

Respondent.

MEMORANDUM OPINION AND ORDER

On December 1, 2020, the Petitioner filed a *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1). By *Standing Order* (Document 3) entered on December 2, 2020, this action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On December 4, 2020, the Magistrate Judge submitted *Proposed Findings and Recommendations* (Document 4) wherein it is recommended that the Petitioner's *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1) be transferred to the United States District Court for the Northern District of West Virginia, Clarksburg Division, and that the action be dismissed and removed from this Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendations* were due by December 21, 2020.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendations*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or

recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendations of the Magistrate Judge as contained in the *Proposed Findings and Recommendations*, and **ORDERS** that the *Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241* (Document 1) be **TRANSFERRED** to the United States District Court for the Northern District of West Virginia, Clarksburg Division, and that the action be **DISMISSED** and **REMOVED** from this Court's docket.

In connection with the Petitioner's *Application to Proceed Without Prepayment of Fees and Costs* (Document 5) filed on December 9, 2020, this Court finds that the same should be addressed by the Northern District of West Virginia once the matter is transferred, and not by the undersigned.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, to counsel of record, to any unrepresented party, and to the United States District Court for the Northern District of West Virginia, Clarksburg Division.

ENTER: December 29, 2020



IRENE C. BERGER

UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA